

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR 19-0081 WJ

KENDON GOSSETT,

Defendant.

**DEFENDANT'S MOTION IN LIMINE TO
INTRODUCTION OF CRIMINAL HISTORY**

Defendant KENDON GOSSETT , by and through counsel of record, Samuel L. Winder, Romero & Winder, P.C., submits his motion in *limine* to exclude proposed evidence pursuant to Fed. R. Evid. 403, 404(b) and 609.

Mr. Kendon Gossett will testify on his own behalf at trial in this matter. His criminal history includes the following arrests: “terrorist threat and harassment on May 29, 2014; a criminal trespass on July 17, 2015; and a resisting arrest search or transport on September 6, 2016. Assistant United States Attorney Howard R. Thomas has indicated that he intends to introduce evidence of the above.

Mr. Gossett submits that the May 29, 2014 and September 6, 2016 arrests are inadmissible pursuant to Fed.R.Evid. 403, 404(b) and Fed.R.Evid. 609. Upon information and belief the incident regarding the May 29, 2014 occurred when Mr. Gossett was fifteen (15) years old. Moreover, the alleged incident does not fall within the parameters of Fed.R.Evid. 404(b) regarding the charges in this matter. In addition, Mr. Gossett was not convicted of the charges of a “terroristic threat or harassment” or the September 6, 2016 charge. Mr. Gossett also submits the introduction of these charges are inadmissible, pursuant to Fed.R.Evid. 403.

Mr. Gossett submits that the criminal trespass of July 17, 2015 is also admissible, pursuant to Fed.R.Evid. 609(a)(1)(B). The evidence is also inadmissible, pursuant to Fed.R.Evid. 403.

Assistant United States Attorney Howard T. Thomas opposes this motion in *limine*.

WHEREFORE, Mr. Gossett respectfully requests that this Court order that counsel for the United States not introduce any of the evidence set forth in this motion in *limine*, pursuant to Fed.R.Evid. 402, 404(b), 413 and Rule 609.

Respectfully submitted,

/s/ Samuel. L. Winder

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I HEREBY CERTIFY that on the April 27, 2018, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

Holland R. Thomas, Assistant United States Attorney

/s/ Samuel L. Winder
Samuel L. Winder